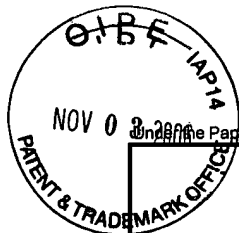


11-06-08

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PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/589,937

Filing Date August 18, 2006

First Named Inventor Yoshimasa Tameishi

Art Unit N/A

Examiner Name Not Yet Assigned

Attorney Docket Number 07200/082001

## ENCLOSURES (Check all that apply)

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Translation of International Preliminary Report on Patentability<br>Return Receipt Postcard |
|---|--|--|

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	OSHA LIANG LLP		
Signature			
Printed name	Jonathan P. Osha		
Date	November 3, 2006	Reg. No.	33,986



Application No. (if known): 10/589,937

Attorney Docket No.: 07200/082001

## Certificate of Express Mailing Under 37 CFR 1.10

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Kim Hennessey

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Registration Number, if applicable

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Transmittal (1 page)  
Translation of International Preliminary Report on Patentability (6 pages)  
Postcard

## PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

## PCT

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

HASEGAWA, Yoshiki  
SOEI PATENT AND LAW FIRM  
Ginza First Bldg.  
10-6, Ginza 1-chome  
Chuo-ku, Tokyo 1040061  
JAPON



Date of mailing (day/month/year) 28 September 2006 (28.09.2006)		
Applicant's or agent's file reference FP05-0002-00	IMPORTANT NOTIFICATION	
International application No. PCT/JP2005/000391	International filing date (day/month/year) 14 January 2005 (14.01.2005)	
Applicant HOSHIZAKI DENKI KABUSHIKI KAISHA et al		

## 1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

## 2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Masashi Honda
Facsimile No. +41 22 338 82 70	Facsimile No. +41 22 338 82 70

## PATENT COOPERATION TREATY

## PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference FP05-0002-00	FOR FURTHER ACTION		See item 4 below
International application No. PCT/JP2005/000391	International filing date (day/month/year) 14 January 2005 (14.01.2005)	Priority date (day/month/year) 18 February 2004 (18.02.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant HOSHIZAKI DENKI KABUSHIKI KAISHA			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Box No. I  | Basis of the report   |
| <input type="checkbox"/> Box No. II            | Priority  |
| <input type="checkbox"/> Box No. III           | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input checked="" type="checkbox"/> Box No. IV | Lack of unity of invention  |
| <input checked="" type="checkbox"/> Box No. V  | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI            | Certain documents cited   |
| <input type="checkbox"/> Box No. VII           | Certain defects in the international application  |
| <input type="checkbox"/> Box No. VIII          | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 338 82 70	Date of issuance of this report 19 September 2006 (19.09.2006)
	Authorized officer  Masashi Honda  e-mail: pt08@wipo.int

## PATENT COOPERATION TREATY

TRANSLATION

PCT

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

FP05-0002-00

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2005/000391

International filing date (day/month/year)

14.01.2005

Priority date (day/month/year)

18.02.2004

International Patent Classification (IPC) or both national classification and IPC

Applicant

HOSHIZAKI DENKI KABUSHIKI KAISHA

## 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

## 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/000391

Box No. 1

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This opinion has been established on the basis of a translation from the original language into the following language  
\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
- a. type of material
- ☐ a sequence listing
- ☐ table(s) related to the sequence listing
- b. format of material
- ☐ in written format
- ☐ in computer readable form
- c. time of filing/furnishing
- ☐ contained in the international application as filed.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/000391

Box No. IV

Lack of unity of invention

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☐ paid additional fees
- ☐ paid additional fees under protest
- ☐ not paid additional fees
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with
- ☒ not complied with for the following reasons:

After conducting a search, because the document (JP 54-11751 A) discloses a dish washing machine comprising a washing water flow tube connected to a washing nozzle and a washing water discharge outlet, and a rinsing water flow tube disposed in the washing water flow tube that is connected to a rinsing nozzle and a rinsing water discharge outlet, the "special technical feature" of the invention of claim 1 appears to be detachably connecting a connection tube in a washing water tank, which means that there is no "special technical feature" in the invention of claim 5. These inventions lack a technical relationship involving one or more of the same or corresponding special technical features, and therefore, this examination finds that these are not so linked as to form a single general inventive concept.

Consequently, between the groups of inventions formed of claims 1-4 and of claims 5 and 6, no technical relationship described in PCT Rule 13.2 can be found; thus these groups of inventions do not satisfy the requirement for unity.

Furthermore, this international searching authority has determined that the requirement for unity of invention was not satisfied; an international search was conducted on all claims.

4. Consequently, this opinion has been established in respect of the following parts of the international application:

☒ all parts

☐ the parts relating to claims Nos. \_\_\_\_\_

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2005/000391

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
<b>1. Statement</b>			
Novelty (N)	Claims	<u>1, 2, 3, 4, 6</u>	YES
	Claims	<u>5</u>	NO
Inventive step (IS)	Claims		YES
	Claims	<u>1, 2, 3, 4, 5, 6</u>	NO
Industrial applicability (IA)	Claims	<u>1, 2, 3, 4, 5, 6</u>	YES
	Claims		NO
<b>2. Citations and explanations:</b>	<p>Document 1: JP 54-11751 Y2 (Japan Electronic Control Systems Co., Ltd.) 25 May 1979, Full text; Fig. 2 (Family: none)</p> <p>Document 2: JP 4-40931 A (Mitsubishi Electric Corp.) 12 February 1992, Full text; all drawings (Family: none)</p> <p>Document 3: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 017951/1980 (Laid-open No. 120148/1981) (Sanyo Electric Co., Ltd., Tokyo Sanyo Electric Co., Ltd.) 12 September 1981, Full text; all drawings (Family: none)</p> <p>Because the invention of claim 5 is disclosed in document 1 cited in the ISR, it does not appear to be novel. Document 1 discloses a dish washing machine comprising a washing water flow tube connected to a washing nozzle and a washing water discharge outlet, and a rinsing water flow tube disposed inside of the washing water flow tube that is connected to a rinsing nozzle and a rinsing water discharge outlet.</p> <p>The inventions of claims 1-3 and 6 do not appear to involve an inventive step based on documents 1-3 cited in the ISR. Documents 2 and 3 disclose detachably connecting a flow tube to a connection tube in a washing chamber, and thus detachably connecting the flow tube of a dish washing machine of document 1 to the connection tube would be easy for a party skilled in the art.</p> <p>The invention of claim 4 does not appear to involve an inventive step based on documents 1-3 cited in the ISR. Document 1 discloses a casing accommodating an impeller and making this casing detachable would be easy for a party skilled in the art.</p>		